IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL MISC.NO.804 M OF 2004

DATE OF DECISION: JULY 06, 2007

Balkar Singh and others

.....Petitioners

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. **Whether Reporters of local papers may be allowed to see the judgement?**
2. **To be referred to the Reporters or not?**
3. **Whether the judgment should be reported in the Digest?**

PRESENT: Mr. D. S. Pheruman, Advocate,
for the petitioners.

Mr. M. C. Berry, Sr.DAG, Punjab,
for respondent No.1.

Mr. B. S. Jaswal, Advocate,
for respondent No.2.

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RANJIT SINGH, J. (ORAL)

Prayer made in the present petition is for quashing of FIR No.86 dated 25.4.1999 registered under Sections 420, 467, 468, 471, 120-B IPC. Balbir Kaur had lodged this FIR alleging that her mother-in-law, Kartar Kaur widow of Wazir Singh had died leaving behind the complainant, who is wife of Azaib Singh, late son of Kartar Kaur. It is alleged that late Kartar Kaur did not execute any will whereas Harbhajan Kaur and others, named in the FIR, joined hands with each other and prepared a fictitious will dated 15.6.1992.

Complainant, Balbir Kaur, was statedly residing in Canada and had accordingly filed the present complaint. Allegation is also made that with the intention to grab this property, the persons named in the FIR had prepared a fictitious sale deed dated 5.4.1999 in favour of Balkar Singh. Accordingly, it is prayed that an enquiry be held in the case and action be taken. Balkar Singh, in whose favour the sale deed is executed, filed a civil suit, claiming ownership over the land on the basis of the said sale deed and for restraining the defendants from interfering with his peaceful possession. During the pendency of criminal as well as civil proceedings, Balkar Singh and others filed a Criminal Miscellaneous Petition before this court for quashing of the proceedings pending in the Court of Judicial Magistrate, Baba Bakala. This petition, however, was disposed of with a direction that same Judicial Officer having competent jurisdiction should try the civil as well as the criminal proceedings simultaneously but separately and dispose them of at the same time. Subsequently, the parties reached a compromise in criminal as well as civil proceedings. Copy of the compromise reached in civil proceedings is annexed as Annexure P-2 whereas the copy of the compromise in criminal proceedings is placed on record as Annexure P-3.

It is pointed out that the civil case was referred to special Lok Adalat at Amritsar as the parties had compromised the same. On 5.2.2006, Lok Adalat decreed the complainant's suit for declaration with consequential relief of permanent injunction. The Lok Adalat, however, did not interfere in the criminal matter and that is how the present petition is filed, seeking quashing of the FIR on the basis of a compromise (Annexure P-3) referred to above. As per

Annexure P-3, the criminal case lodged by Balbir Kaur against Balkar Singh and others stands compromised due to intervention of the respectable and relatives of the parties. It is also noted in this compromise that the civil suit pending between the parties has also been compromised and the parties are not interested in proceeding any further in the criminal proceedings. The parties and their representatives are present in the Court and have confirmed that they have resolved their differences and dispute and are not wanting to pursue the present criminal proceedings as well. Since Balbir Kaur, complainant, is presently stationed in Canada, she is represented through her attorney Narinder Singh son of Deva Singh. The facts, as noted above, are of its own kind. The dispute between the parties is regarding a will and transfer of land through the sale deed etc. The criminal case is regarding the fictitious nature of the will and this is related to the civil proceedings. Since the civil proceedings have culminated on the basis of a compromise, it will be appropriate to end the criminal proceedings as well to ensure peace and good relations between the parties, specially so when they have compromised the dispute, even though the offences alleged may be non-compoundable. Peculiar facts of the case would need this special treatment in exercise of inherent powers under Section 482 Cr.P.C. Otherwise also, no useful purpose would be served in allowing these proceedings to continue in view of the compromise reached between the parties. It is reasonable to say that the complainant is not likely to support the prosecution in view of the compromise and as such, the trial, even if allowed to continue, would be an exercise in futility.

Considering these peculiar features of the case, the present petition is allowed. The FIR and the subsequent proceedings arising therefrom are quashed.

July 06, 2007 **(RANJIT SINGH)**
khurmi **JUDGE**